IN THE HIGH COURT OF JUDICATURE AT PATNA
MA No.190 of 2005
DIVISIONAL MANAGER ,ORIENTAL INSURANCE CO.LTD.
Versus
SMT.RENU DEVI & ORS
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6. 22.7.2008 The appellant Oriental Insurance Company Ltd., being aggrieved and dissatisfied with the judgment dated 27.1.2005 and award dated 7.2.2005 passed in Claim Case no. 347 of 2003 by 8th Additional District Judge-cum-Motor Vehicles Claims Tribunal, Muzaffarpur, has filed this appeal for setting aside the judgment and award. By the impugned order the learned Tribunal has directed the appellant to pay a sum of Rs.2,04,000/- plus Rs.2000/- for funeral expenses, i.e., Rs.2,06,000/- after deduction of Rs.50,000/-, which has already been paid to the claimants by way of interim relief under Section 140 of the Motor Vehicles Act.

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The claimants, who are respondents here, in spite of notice sent as valid service did not appear to contest the matter.

The deceased Rakesh Kumar Jha at the relevant time of death due to motor accident on 13.12.2003 was only aged 25 years old, who was unmarried and, so, his parents filed claim case, as stated above. The police case was also registered in which chargesheet was submitted against the driver of the erring vehicle bearing registration no. BPA/9251, which was insured by the Insurance Company and, as such, the Insurance Company was directed to pay.

The only question, which has been raised here on behalf of the appellant, is non-application of mind by the learned Tribunal for the purpose of computing the compensation on the basis of multiplier system. Of course, age of the

claimant has not been given nor any where it has been stated but only mother of the deceased has come within the category of Class I of the schedule and, so, for all practical purposes her age at the relevant time of death of the deceased should have been taken into consideration. In the aforesaid back ground the age of mother of the deceased, i.e., Renu Devi was 50. The multiplier should have been 13 and for that treating income of the deceased at Rs.18,000/- per annum it comes to Rs.2,34,000/- and 1/3 of which should have been deducted. Finally it comes to Rs.1,56,000/- plus Rs.2000/- as funeral expenses, which comes to Rs.1,58,000/-, out of which Rs.50,000/- has already been paid as interim compensation. It comes to Rs.1,08,000/-.

With the aforesaid modification in the impugned order, the appeal stands disposed of. There is no interference in respect of payment and rate of interest.

Rs.25,000/-, which is deposited here by the appellant, may be remitted to the court below for payment to the parties.

(Subash Chandra Jha,J.)

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